

AN ORDINANCE

04-O-0763

BY COUNCILMEMBER CLETA WINSLOW

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AUTHORIZING THE SALE OF TWO NARROW STRIPS OF LAND LOCATED ADJACENT TO 455 ROCKWELL STREET IN LAND LOT 86 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS; AUTHORIZING THE MAYOR TO EXECUTE QUITCLAIM DEEDS TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS; AND FOR OTHER PURPOSES.

WHEREAS, CMP CHP Pittsburg, LP owns a tract of land bounded by Coleman Street on the west, Rockwell Street on the south and McDaniel Street on the east, said property being known as 455 Rockwell Street in Land Lot 86 of the 14th District of Fulton County, Georgia ("Rockwell Street Property"); and

WHEREAS, CMP CHP Pittsburg, LP is redeveloping the Rockwell Street Property in accordance with the Pittsburgh Community Redevelopment Plan, which was adopted by the City of Atlanta pursuant to the Redevelopment Powers Law, O.C.G.A. § 36-44-1 et seq. (the "Redevelopment Plan"); and

WHEREAS, the Rockwell Street Property received an urban enterprise zone designation in 2003 to enable redevelopment of the Rockwell Street Property, which currently suffers from dilapidation and neglect; and

WHEREAS, CMP CHP Pittsburg, LP is in the process of redeveloping the Rockwell Street Property into multifamily and senior housing, the majority of which will be provided to the public at rental rates that are affordable for individuals with household incomes that are significantly less than the median family income for the Atlanta Metropolitan Statistical Area; and

WHEREAS, the City of Atlanta owns a narrow strip of land comprising 0.972 acre at the northern edge of the Rockwell Street Property that has been paved such that it appears to be a driveway with a cul-de-sac at the end and that is sometimes referred to as Wright Court ("Wright Court"), as show on the survey by Technical Survey Services, Inc. attached to this ordinance as Exhibit A; and

WHEREAS, the Department of Public Works has determined that Wright Court is not and has not previously been reflected in the City of Atlanta public street records as a public street; and

WHEREAS, Wright Court is designated in City urban redevelopment records as Parcel S-1-3, Area 2, Model Cities Urban Redevelopment Area, and has been designated by the Department of Planning and Community Development as surplus property available for sale; and

WHEREAS, the City also owns a ten-foot wide strip of land comprising 0.151 acre located between Wright Court and Stephens Street as shown on Exhibit A (the "North Tract"); and

WHEREAS, CMP CHP Pittsburg, LP also has petitioned to the City to convey the North Tract for use in the redevelopment of the Rockwell Street Property; and

WHEREAS, the North Tract does not have a tax parcel identification number in Fulton County records and is not shown in either the City or County records as a parcel of land separate and distinct from the Rockwell Street Property or Wright Court; and

WHEREAS, the North Tract is designated in City urban redevelopment records as Parcel 1-1, Area 2, Model Cities Urban Redevelopment Area, and has been designated by the Department of Planning and Community Development as surplus property available for sale; and

WHEREAS, use of Wright Court and the North Tract by CMP CHP Pittsburg, LP would contribute to the redevelopment of the Rockwell Street Property; and

WHEREAS, Section 2-1571(a) of the City of Atlanta Code of Ordinances allows the City to sell narrow strips of land to the abutting property owner; and

WHEREAS, pursuant to § 36-44-5(a)(9) of the Redevelopment Powers Law, O.C.G.A. §36-44-1 et seq. and as prescribed in § 36-61-10(a) of the Urban Redevelopment Law, O.C.G.A. §36-61-1 et seq., the City is authorized to convey public property located within a redevelopment area for redevelopment purposes upon payment of fair value; and

WHEREAS, CMP CHP Pittsburg, LP has petitioned the City to convey Wright Court and the North Tract to it as the abutting landowner for redevelopment purposes; and

WHEREAS, the Chief Procurement Officer has reviewed these properties and consulted with the relevant City departments and has determined that Wright Court and the North Tract are no longer useful to or needed by the City; and

WHEREAS, the Chief Procurement Officer now recommends that Wright Court and the North Tract be conveyed to CMP CHP Pittsburg, LP for redevelopment purposes; and

WHEREAS, the Council now wishes to authorize execution of quitclaim deeds to further redevelopment of the Rockwell Street Property in accordance with the Redevelopment Plan.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1: The narrow strip of land that has been paved and is known as Wright Court, owned by the City of Atlanta and located adjacent to 455 Rockwell Street in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit B ("Wright Court"), and also known as Parcel S-1-3, Area 2, Model Cities Urban Redevelopment Area, is hereby declared no longer useful or needed by the City.

Section 2. The narrow strip of land between Wright Court and Stephens Street, the North Tract, located in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit C ("North Tract"), and also known as Parcel 1-1, Area 2, Model Cities Urban Redevelopment Area, is hereby declared no longer useful or needed by the City.

Section 3: Pursuant to Section 2-1571(a)(1) of the City of Atlanta Code of Ordinances, the City Council determines that these narrow strips of land may be sold to CMP CHP Pittsburg, LP, the abutting property owner, or its successors or assigns.

Section 4. The Chief Procurement Officer is authorized to convey Wright Court and the North Tract for the appraised value of \$109,000.00.

Section 5. The Mayor is authorized to execute and deliver quitclaim deeds conveying Wright Court and the North Tract to CMP CHP Pittsburg, LP or its successors or assigns in exchange for payment of \$109,000.00. Said conveyance shall occur on or before December 30, 2004.

Section 6. Any and all reservations by the City for existing public or private utility easements shall remain in effect for the purpose of entering the two properties to operate, maintain or replace said utility facilities. These easements shall remain in effect until such time as said utilities are abandoned, removed or relocated, at which time the easements shall expire.

Section 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of any such conflict.

EXHIBIT A

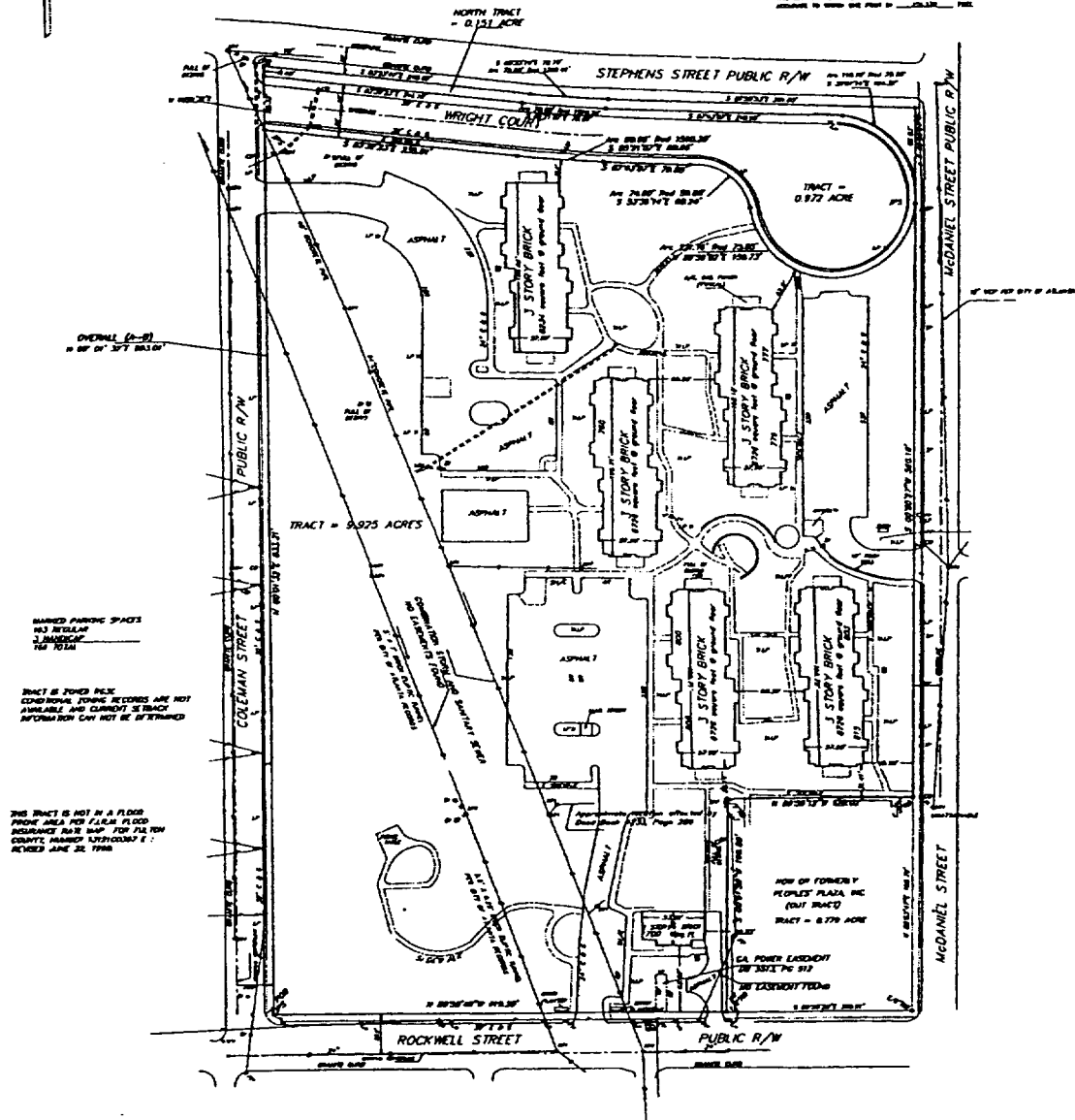
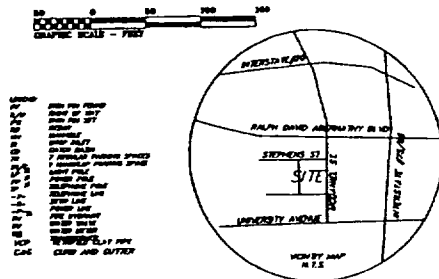
Legal Description
 As that tract or parcel of land lying and being in Land Lot 26 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

[illegible]

THE FIELD OPERATIONS UNDER THE PLAN IS BASED ON A CURRENT RECORD OF THE FISH IN _____ FISH AND AN ANNUAL REPORT OF _____ FISH AND TWO ANNUAL VISITS TO THE DAMPED BAY.

A UNITED STATES TOTAL NUMBER AND AN EX-100 THIS COLLECTION NOT USED TO
OBTAIN THE LEAD AND ANALYST MEMBERSHIP AND IS THE PROPERTY
OF THE FBI

THIS MAP OR PLAN HAS BEEN SUBMITTED FOR RECORDING AND IS FOUND TO BE ACCORDANT TO SECTION ONE, PART D, _____, P.S.



MARKED PARKING SPOTS
NO. 3 MILLER
J. J. MILLER
NO. 10 LAI

BACK IS PAGED PAGE
CONNECTIONAL JUMPING RECORDS ARE NOT
AVAILABLE AND CURRENT SETBACK
INFORMATION CAN NOT BE DETERMINED

THIS TRACT IS NOT IN A FLOOD
PRONE AREA PER F.I.R.M. FLOOD
INSURANCE RATE MAP FOR FLORIDA
COUNTY, HARRIS T. JTS100367 E :
REVISED JAN 22 1998

LEADS/ENDS
 in any manner the following insurance and/or insurance of record listed as recipients in 1959 in
 the "List of Chicago City Employees' Casualty A.I.A. Contributions for 1959 Insurance, Contributions
 1959-1960", attached date June 16, 1968, do affirm the subject property and are located on the
 plan dated 1/27/68, and the following:
 1. Insured by and between Bell 28, Corporation and Chicago Power Company, dated October
 14, 1957, in Bond Book 2352, Page 576 (File 157-10000) and Miller, Inc. and the City of Atlanta,
 dated March 28, 1958, in Bond Book 4233, Page 168. (Transmit pertinent to
 City Attorney for immediate review of
 Applications, approvals and conditions submitted with right of recovery submitted in
 Bureau dated by and between the Insurance of the City of Chicago, dated 1/27/68, and
 the City of Chicago, dated 1/27/68, and the City of Chicago, dated 1/27/68, Page 657.

In my opinion the following documents and other documents of record listed on attachments to this Schedule A, Part B of Chicago Title Insurance Company A.L.A. Contracted for this Insurance, Commitment Number C-3678/CP, effective date June 01, 2002, do not affect the subject property.

Agreement by and between American Associated Companies and the City of Atlanta, dated January 27, 1978, in Deed Book 5185, Page 104

[illegible]

Date September 02, 2017

March 1, 1964

ALTA/ACSM LAND TITLE SURVEY FOR
CMP CMP PITTSBURG, LP.
CAPITOL MANAGEMENT;
ASM DEVELOPMENT GROUP, INC.;

CHICAGO TITLE INSURANCE CORPORATION
CITY OF ATLANTA
LAND LOT 06 14TH DISTRICT
FLINTON COUNTY GEORGIA
SEPTEMBER 18, 2002 1" = 50'
OCTOBER 11, 2002 REVISED PER COMMENTS
OCTOBER 16, 2002 REVISED PER COMMENTS
JANUARY 20, 2003: ADD NORTH TRACT
FEBRUARY 10, 2004: REMOVE WEST OUTPARCEL
REVISE LEGAL DESCRIPTION

TECHNICAL SURVEY SERVICES, INC.
Land Surveyors

704 WEST CIRCLE, SW
CONVENTS, GEORGE 20012

Telephone (770) 822-6301
Fax (770) 822-0705

EXHIBIT B

Legal Description
Wright Court (50' R/W)

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North 00° 01' 32" East a distance of 833.21 feet to a point on the southerly right of way of Wright Court (25 feet from centerline) being the TRUE POINT OF BEGINNING; thence continuing along said right of way of Coleman Street North 00° 01' 32" East a distance of 50.32 feet to a point being the intersection of aforementioned Coleman Street and the northerly right of way of Wright Court; thence continuing along said right of way of Wright Court the following bearings and distances: South 83° 32' 23" East a distance of 241.16 feet to a point; thence along a curve to the left an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of South 85° 21' 07" East) to a point; thence South 87° 43' 07" East a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of South 38° 01' 14" East) to a point intersecting the westerly right of way of McDaniel Street (25 feet from centerline); continuing along said right of way of Wright Court along a curve to the right an arc distance of 221.16 feet (said curve having a radius of 75.85 feet; a chord distance of 150.73 feet and a chord bearing of South 88° 59' 02" West) to a point; thence along a curve to the left and arc distance of 74.80 feet (said curve having a radius of 50.88 feet; a chord distance of 68.24 feet and a chord bearing of North 53° 36' 14" West) to a point; thence North 87° 43' 07" West a distance of 79.85 feet to a point; thence along a curve to the right an arc distance of 80.66 feet (said curve having a radius of 1560.28 feet; a chord distance of 80.65 feet and a chord bearing of North 85° 21' 07" West) to a point; thence North 83° 32' 23" West a distance of 235.81 feet to the POINT OF BEGINNING. Said tract containing 0.972 acre.

EXHIBIT C

Legal Description

North Tract

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North 00° 01' 32" East a distance of 883.53 feet to a point being the TRUE POINT OF BEGINNING; thence North 00° 01' 32" East a distance of 9.48 feet to a point being the intersection of the easterly right of way of Coleman Street and the southerly right of way of Stephens Street (25 feet from centerline); thence continuing along the right of way of Stephens Street the following bearings and distances: South 83° 23' 47" East a distance of 248.87 feet to a point; thence along a curve to the left an arc distance of 72.80 feet (said curve having a radius of 1292.41 feet; a chord distance of 72.79 feet and a chord bearing of South 85° 33' 19" East) to a point; thence South 87° 50' 53" East a distance of 281.83 feet to a point on the westerly right of way of McDaniel Street (25 feet from centerline); thence along said right of way of McDaniel Street South 00° 50' 27" West a distance of 89.03 feet to a point intersecting the easterly right of way of Wright Court (25 feet from centerline); thence along said right of way of Wright Court the following bearings and distances: along a curve to the left an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of North 38° 01' 14" West) to a point; thence North 87° 43' 07" West a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of North 85° 21' 07" West) to a point; thence North 83° 32' 23" West a distance of 241.16 feet to the POINT OF BEGINNING. Said tract containing 0.151 acre.